

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

HOLLISTER UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014060180

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On June 2, 2014, Student, through her attorney, filed a Due Process Hearing Request (complaint), naming the Hollister Unified School District. On October 16, 2014, Student filed a motion to amend the complaint (motion), and submitted an amended Due Process Hearing Request (amended complaint) with the motion. Hollister is not opposing the motion.

APPLICABLE LAW AND DISCUSSION

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student seeks to amend the complaint in order to include new related issues to the initial complaint, and in order to avoid a second hearing on the related issues. Allowing the Student the opportunity to amend the complaint would serve the interest of judicial economy. In addition, the due process hearing in this matter is currently scheduled to begin on November 4, 2014. Therefore, Student's unopposed motion to amend the complaint is timely, and is granted.

ORDER

1. Student's motion to amend the complaint is granted. All currently set dates in this matter are vacated.
2. The amended complaint shall be deemed filed on the date of this order, and all applicable timelines are reset as of the date of this order.
3. OAH will issue new scheduling order with new dates.

IT IS SO ORDERED.

DATE: October 24, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings